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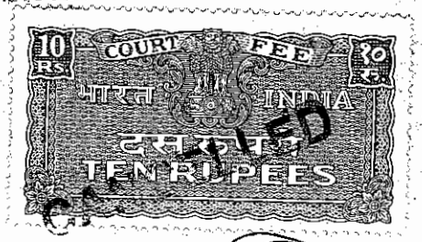

CF to 2(c)

(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 7289 of 2006

Petitioner (Defendant No.1) : Kanhaiyalal, s/o Late Rohit Kumar Chandra, Aged about 42 years, R/o Chakradhar Nagar, Near Water Tank, Raigarh Chhattisgarh

P.R. No. 2406/06
Presented by Saurabh Sahoo
dated 14/12/06

Vs.

Respondents (Plaintiffs) : 1. Smt. Lajwanti Devi, widow of Late Amar Das, Aged about 63 years

2. Bihari Das, s/o Late Amar Das, aged about 42 years

3. Maadho Das, s/o Late Amar Das, aged about 46 years

4. Lakhan Das, s/o Late Amar Das, aged about 44 years.

Respondents/Plaintiffs No. 1 to 4 above, all R/o Sindhi Colony, Raigarh, Tehsil & District : Raigarh, Chhattisgarh

5. Jagdish Kumar s/o Govind Ram aged about 22 years

6. Manohar Das s/o Goving Ram, aged about 25 years

7. Omprakash s/o Govind Ram, aged about 24 years

8. Anil Kumar, s/o Govind Ram aged about 18 years

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State of Chhattisgarh
BILASPUR

9. Jai Kumar, s/o s/o Govind Ram, aged about 15 years

Respondents No. 5 to 9 above, all R/o Sindhi Colony, Raigarh, Tehsil & District : Raigarh, Chhattisgarh.

10. Smt. Tilli Bai, widow of LateChelaram, aged about 48 years, R/o Telibandha, Raipur, Chhattisgarh

11. Smt. Bhagwanti@Asha Devi, D/o Late Chelaram, aged about 48 years, R/o Telibandha, Raipur, Chhattisgarh

12. Indira Bai, Widow of Late Lodharam

13. Jailal S/o Late Lodharam

14. Shrichand, S/0 Late Lodharam

15. Ashok, S/o Late Lodharam

16. Raj Kumar, S/o Late Lodharam

Respondents No. 12 to 16 above, all R/o Near Bihari Talkies, Bilaspur, Chhattisgarh.

17. Chhattumal, S/o Tularam, R/o Sindhi Colony, Raigarh Chhattisgarh

18. Shankarlal, S/o Tularam, R/o Near Bihari Talkies, Bilaspur, Chhattisgarh

19. Premi Bai, D/o Late Amar Das

20. Neeli Bai, D/o Late Amar Das

21. Janki Bai, D/o Late Amar Das

Respondents No. 19 to 21 above, all R/o Sindhi Colony, Raigarh, Chhattisgarh

(4)

22. Udham Das, S/o Parmool, R/o Sindhi Colony, Raigarh, Tehsil & Distict Raigarh Chhattisgarh

23. State of Chhattisgarh, Through the Collector, Raigarh, District Raigarh Chhattisgarh.

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARY AND / OR ANY ORTHER SUITABLE WRIT OF LIKE NATURE.

XI-HC-78

(49)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C).7289. **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.1.2007:

Shri Sanjay K. Agrawal learned counsel for the petitioner.

The petitioner by this petition has challenged the order dated 27.7.2006 passed by First Civil Judge Class II Raigarh whereby application filed under Order 6 Rule 17 of the C.P.C. for amendment in the written statement has been rejected.

Learned counsel for he petitioner submits that by the proposed amendment petitioner had challenged the title of the plaintiffs/respondents on the ground that the sale deed on the basis of which plaintiffs were claiming title was executed without seeking due permission under the law.

I have heard counsel for the petitioner and perused the impugned order.

By the impugned order the application for amendment was rejected on the ground that the same was filed after framing of issues and after the case was fixed for recording of evidence.

Considering the grounds taken by the Civil Judge Class II Raigarh for rejecting the application for amendment this Court is of the opinion that there is no illegality or jurisdictional error in the impugned order which calls for interference from this Court under Article 227 of the Constitution of India.

Thus there is no substance in the petition and therefore the same is liable to be dismissed. It is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

12/1/11